

Judge: Timothy W. Dore
Chapter: 13
Hearing Date: February 15, 2012
Hearing Time: 9:30 a.m.
Hearing Location:
U.S. Bankruptcy Court
700 Stewart St #8106
Seattle, WA 98101
Response Date: February 08, 2012

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:

MARY ALICE CROOKS,

Debtor(s).

IN CHAPTER 13 PROCEEDING
NO. 09-16168-TWD

MOTION FOR POST-CONFIRMATION
MODIFICATION OF PLAN

K. Michael Fitzgerald, Chapter 13 Trustee, moves to modify the debtor's Chapter 13 plan as follows:

The debtor's confirmed Chapter 13 plan (Docket No. 16) provides for monthly plan payments of \$112.00 and a liquidation value of \$6,170.27. The debtor is current on the plan payments. The filed unsecured claims total \$67,272.36. The debtor contacted the Trustee's office on or about December 2, 2011, notifying the Trustee that her father passed away and she has received (or will receive) an inheritance of \$100,000.00. Based on the debtor's inheritance, the debtor needs to pay allowed unsecured claims in full.

At any time after confirmation but before completion of payments under the plan, the Trustee may move to modify the plan to increase or reduce the amount of payments on claims of a particular class provided for by the plan, extend or reduce the time for such payments, or alter the amount of distribution to a creditor whose claim is provided for by the plan. 11 U.S.C. § 1329(a); Powers v. Savage (In re Powers), 202 B.R. 618 (B.A.P. 9th Cir. 1996). Property of the estate includes property that a debtor acquires after the commencement of the case but before the case is closed, dismissed or converted to a case under chapter 7, 11 or 12, whichever occurs first. 11 U.S.C. § 1306(a). The debtor's inheritance is income and/or property of the estate.

MOTION FOR POST-CONFIRMATION
MODIFICATION OF PLAN - 1

Chapter 13 Trustee
600 University St. #2200
Seattle, WA 98101-4100
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1 The Trustee requests that the debtor's plan be modified to provide that debtor must pay
2 allowed unsecured claims in full prior to receiving a discharge. The Trustee reserves the right to
3 assert additional bases for his motion. A proposed order is filed with this motion.

4 WHEREFORE, the Chapter 13 Trustee requests that the Court enter an order (1)
5 modifying the debtor's confirmed plan to provide that, prior to discharge, the debtor must pay
6 allowed unsecured claims in full and (2) requiring the debtor to tender sufficient funds to pay the
7 modified plan in full by March 1, 2012.

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9 Dated this 9th day of December, 2011

10 /s/ Jason Wilson-Aguilar, WSBA #33582 for
11 K. MICHAEL FITZGERALD
12 Chapter 13 Trustee
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